

REMARKS

In the outstanding official action, claims 7-15 were deemed to be allowable if placed in independent form, while claims 1-6 and 16 were rejected under 35 USC 103(a) as being unpatentable over Takemori et al in view of Breytman et al, for the reasons of record. In response, it is respectfully submitted that claims 1-6 and 16 are clearly patentably distinguishable over the cited and applied references, and are therefore in condition for allowance. Accordingly, allowable claims 7-15 have not been placed in independent form at the present time, pending a final determination of the patentability of the remaining claims.

More particularly, while it is admitted in the Action that Takemori fails to explicitly disclose bright and dark patches present in a speckled pattern, Breytman overcomes this deficiency by disclosing that laser light illuminating a rough surface causes interference within the scattered light, and also discloses that the speckled effect produces a speckled pattern having bright and dark regions as a result of the light interference. It was then suggested to have been obvious to modify Takemori in view of Breytman to include a speckled pattern having bright and dark regions.

At the outset, it is respectfully submitted that Takemori and

Breytman are directed to two substantially different fields of endeavor, namely a method for producing a hologram and a system for determining the distance to a target to be scanned. It is respectfully submitted that there is no apparent reason, absent the benefit of impermissible hindsight derived from the instant disclosure, to combine the teachings of a hologram producing method with a system for determining the distance to a target to be scanned.

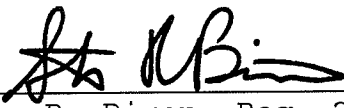
Furthermore, even assuming *arguendo* that the cited and applied references are properly combinable, it is respectfully submitted that the instant invention as recited in the independent claims and the remaining claims depending therefrom is neither shown nor suggested thereby. Thus, even if the teachings related to a speckled pattern in Breytman for the purpose of determining distance to a target are combined with the hologram producing method of Takemori, the recited limitation that the size of the pixels is set at substantially the same size as that of bright and dark patches present in the speckled pattern is neither shown nor suggested. Paragraph [0051] of Breytman, cited in the Action for disclosure relating to a speckled pattern, merely teaches that one embodiment in Breytman uses the speckled patterns to determine distance and that the speckled patterns have bright and dark regions as a result of interference. Nowhere in this paragraph is

it suggested that the size of the pixels is determined in the specific manner as recited in the latter portion of independent claims 1 and 16 (in the recitations beginning with the phrase "wherein the size of the pixels...").

Thus, in summary, it is respectfully submitted that there is no apparent reason absent the benefit of impermissible hindsight derived from the instant disclosure to combine the cited and applied references, and even if it is assumed that such a combination is proper, the instant invention as recited in the independent claims is neither shown nor suggested thereby.

In view of the foregoing remarks, it is respectfully submitted that all of the currently-pending claims are now in condition for allowance, and favorable consideration is earnestly solicited.

Respectfully submitted,

By 

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